Custody Case SCS 2 of 2

UNCLASSIFIED

S/S# 7731054 (426)

Date DEC 21 1977

SCS

DEPARTMENT OF STATE A/GDC/MR
REVIEWED BY P780032-1774 DATE
RDS☐or XDS☐EXT. DATE
TS AUTH. CLASSIFICATION(S)
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED☐ RELEASABLE☐
RELEASE DENIED☐
PA or FOI EXEMPTIONS

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
TRANSMITTAL FORM

PT
SA
WE/PEND OR
EX.

Dist to:
TMC
CA
RF(leb)

FOR: ~~Dr. Zbigniew Brzezinski~~
National Security Council
The White House

REFERENCE:

TO: The President FROM: Joseph Freitas, Jr.

DATE: Nov. 25, 1977 SUBJECT: Child Custody

Case of John Victor Stoen in Guyana

WHITE HOUSE REFERRAL DATED: 12/5/77 NSC#

THE ATTACHED ITEM WAS SENT DIRECTLY
____ TO THE DEPARTMENT OF STATE

ACTION TAKEN:

____ A draft reply is attached

____ A draft reply will be forwarded.

____ A translation is attached.

xxx An information copy of a direct reply is attach

6131 ____ We believe no response is necessary for the rea cited below.

____ Other

REMARKS:

MICROFILMED BY S/S-I

SCS - Mr. Dobrenchuk SMD
SCS - Mr. Lambert
CA - Miss Watson

Robert S. Pea
for Peter Tarnoff
Executive Secretary

EAPowers

12-14-77

UNCLASSIFIED

12

P780032-1718

DEPARTMENT OF STATE

Washington, D.C. 20520

DEC 16 1977

Dear Mr. Freitas:

The President has asked that I reply to your letter of November 25 concerning the child custody case of John Victor Stoen who is presently in the custody of a religious group known as The People's Temple, in Guyana.

We note that John Stoen's mother previously signed over custody of John to the religious group. The Department has met personally with the two California attorneys engaged by Mrs. Stoen to assist her in this case. They have been given advice concerning the handling of a child custody case in a foreign country. They have also been advised that the American Embassy in Guyana is prepared to offer all possible assistance to themselves and to Mrs. Stoem's Guyanese attorney if such assistance is required during the hearings scheduled in Guyana this month.

As you are no doubt aware, neither the Department of State nor the Superior Court for the State of California has the authority to enforce the order of November 18 regarding the custody of John Victor Stoen in the country of Guyana. Under many foreign laws there are provisions for proving foreign judgments, although, unfortunately, custody orders are usually excluded from this procedure. It is extremely unlikely that a child custody order issued in the United States is normally not accepted for enforcement in another country on the basis of comity. The question of John Victor Stoen's custody will almost certainly be decided by the Guyanese court, after hearing all relevent evidence, on the basis of Guyanese law. The California court order undoubtedly will be given evidentiary weight in the custody hearing, although by no means will it be binding on that court.

Joseph Freitas, Jr., Esquire,
District Attorney,
880 Bryant Street,
San Francisco, California, 94103.

A copy of this correspondence is being forwarded to the American Consul in Georgetown for his information. I trust that this will be helpful to you. Further information regarding child custody may be obtained from Miss Elizabeth Powers of this office on 202-632-3015.

Sincerely,

Alan A. Gise
Director Office of
Special Consular Services

Custody Case SCS 2772

P780032-1720

ID DOS 771205030 THE WHITE HOUSE OFFICE

REFERRAL

7731054

TO: DOS DATE: DEC 05 7

REPLY DIRECT REPLY. FURNISH INFORMATION COPY

IF MORE THAN 9 DAYS DELAY IS ENCOUNTERED PLEASE TELEPHONE

MISS BYRNE 456-2718.

BASIC CORRESPONDENCE MUST BE RETURNED.

REMARKS:

X LETTER TELEGRAM DATED: NOV 25 77

TO: PRESIDENT

FROM: JOSEPH FREITOS, DISTRICT ATTORNEY, CITY OF SAN FRANCISCO

SUBJECT: REUGEST FOR ASSISTANCE IN ENFORCEMENT OF COURT ORDER AGAINST REV. JIM JONES IN GUYANA

RESPONSE:

CLOSED OUT:

BY DIRECTION OF THE PRESIDENT:

PAMELA ZINN

DIRECTOR OF AGENCY LIAISON

DISTRICT ATTORNEY

JOSEPH FREITAS, JR.
DISTRICT ATTORNEY

DANIEL H. WEINSTEIN
CHIEF ASSISTANT
DISTRICT ATTORNEY

7731054

SAN FRANCISCO

880 BRYANT STREET, SAN FRANCISCO 94103 TEL. (415) 553-1752

November 25, 1977

Hon. James Earl Carter
President of the United States
The White House
Washington, D.C.

Re: Request for Assistance in Enforcement of Court Order Against Rev. Jim Jones in Guyana

Dear Sir:

On November 18, 1977, the Superior Court of the State of California ordered our office to "take all actions necessary to locate Reverend Jim Jones and to secure Reverend Jim Jones' compliance with this order." Paragraph 4 of the order (a copy attached) states:

> "It is ordered that Reverend Jim Jones will immediately deliver the minor, JOHN VICTOR STOEN, to the Petitioner, GRACE LUCY STOEN, or to her authorized representative."

According to our information, the underlying facts are that Rev. Jim Jones, a United States citizen, is living in Guyana, South America, where he is exercising physical custody over John Victor Stoen, a 5-year old child who is also a United States citizen. Rev. Jones has refused to deliver the child to his legal parents, each of whom testified before the court and joined the request for the order issued. Our office is representing the court pursuant to Section 4700(c) of the California Civil Code.

We are respectfully asking you to use whatever influence you have to help us obtain Rev. Jones' compliance with the aforesaid order. If we cannot obtain Rev. Jones' compliance in this manner, it will be our duty pursuant to Section 5160 of the California Civil Code to apply to the court for a warrant of arrest against Rev. Jones.

We will be most grateful for whatever you can do to help. Time may be of the essence. Please let our office know if you need further information.

Thank you very much indeed.

Very truly yours,

JOSEPH FREITAS, JR.

Enc. Superior Court Order
dated November 18, 1977

JEFFREY A. HAAS
Attorney at Law
3609 Sacramento Street
San Francisco, CA 94118
(415) 922-6200

MARGARET RYAN
Attorney at Law
294 Page Street
San Francisco, CA 94102
(415) 626-0979

Attorneys for Petitioner

FILED
San Francisco County Superior Court
NOV 18 1977
CARL M. OLSEN, Clerk
D. FLANAGAN, Deputy Clerk

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN THE CITY AND COUNTY OF SAN FRANCISCO

In re the marriage of	No. 719-147
Petitioner: GRACE LUCY STOEN	ORDER RE CHILD CUSTODY
and	
Respondent: TIMOTHY O. STOEN	

The matter of the order to show cause re the custody of the minor child JOHN VICTOR STOEN, born January 25, 1972 came on regularly for hearing on November 18, 1977 in Department 13 of the above entitled court. Petitioner GRACE LUCY STOEN was present personally and through her attorneys of record, Jeffrey Haas and Margaret Ryan. Respondent TIMOTHY O. STOEN appeared in pro per. There was no appearance by Claimant JIM JONES.

GOOD CAUSE APPEARING, the court made the following finding and orders:

1. Based upon the declarations on file it is found that

Claimant Reverend Jim Jones had actual notice of the pendency of the proceedings, of his joinder, of this court's order directing him to appear and of the instant hearing.

2. It is also found that contrary to the order of this court that Reverend Jim Jones failed to appear before this court on November 18, 1977 at 9:00 AM.

3. Based on testimony offered at the hearing of November 18, 1977 and a written stipulation filed therein, the court finds and orders that it is in the best interest of the minor child, JOHN VICTOR STOEN that his physical custody, care and control be awarded to Petitioner GRACE LUCY STOEN, his natural mother. Reasonable visitation will be reserved to Respondent TIMOTHY O. STOEN. Petitioner and Respondent will share joint legal custody. This court hereby fully incorporates by reference the stipulation between the parties signed on November 18, 1977 and the order arising therefrom.

4. It is ordered that Reverend Jim Jones will immediately deliver the minor, JOHN VICTOR STOEN, to the Petitioner, GRACE LUCY STOEN, or to her authorized representative.

5. It is ordered that pursuant to Section 4604 of the California Civil Code, the District Attorney of the City and County of San Francisco shall take all actions necessary to locate Reverend Jim Jones and to secure Reverend Jim Jones' compliance with this order.

6. It is further ordered that Petitioner is granted leave to institute contempt proceedings against the Reverend Jim Jones.

7. Based on testimony offered at the hearing on November 18, 1977 by both Petitioner and Respondent and notarized documents

provided to and filed with the court, the court finds and orders that all previous statements signed by either Petitioner or Respondent or both authorizing one JOYCE TOUCHETTE, JIM JONES, or any other person to act as guardian of said minor child is hereby declared null and void.

ORDERED this 18th day of November, 1977 and signed the 18th day of November, 1977.

JUDGE OF THE SUPERIOR COURT

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

ACTION SLIP

SADIXES

Revision #1

UNCL
(Attachment Classification)

S/S CONTROL NUMBER 7731054

ACTION ASSIGNED TO: CA

DATE 12/13/77

(Action Office Instructions on Reverse)

ACTION REQUESTED

___ STATE TO NSC MEMO
___ STATE TO

Return original of attachment to reply. Submit to Room 7211.

with Draft reply for signature by

___ with Comment or Recommendation

✓ DIRECT REPLY

✓ provide info copy under cover of State-NSC transmittal form

___ REPLY FOR SIGNATURE BY

___ provide comeback copy for

___ RECOMMENDATION FOR

___ with Memorandum for the President

___ APPROPRIATE HANDLING

___ FOR YOUR INFORMATION

DUE IN S/S BY:
CLEAR WITH: 12/19/77

REMARKS/SPECIAL INSTRUCTIONS:

___ S	___ UNA	___ A	✓ SCA	
___ D	___ S/AB	___ CU	___ AF	
___ P	___ S/AR	___ EB	✓ ARA	
___ E	___ S/MS	___ H	___ EA	
___ T	___ S/P	___ IGA	___ EUR	
___ M	___ S/PRS	___ INR	___ NEA	
___ C	___ S/CPR	___ IO	___ ACDA	
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___ S/S-EX	___ S/NM	___ PA		
✓ S/S-S	___ D/HA	___ PM		
___ TEAM A	___ D/IWY			
___ TEAM B	___ D/LOS			
✓ TEAM C	___ M/CT			
___ TEAM D	___ M/DG			
✓ S/S-I (RF	___ M/EEO			
	___ M/MO			

FROM: BARE MORRIS (NAME)
S/S-S:

A	B	C	D
21522	28338	28348	28062

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

ACTION SLIP

Unclassified
(Attachment Classification)

S/S CONTROL NUMBER
7731054

ACTION ASSIGNED TO: ARA SADIKEL

DATE 12/10/77

(Action Office Instructions on Reverse)

ACTION REQUESTED

___ STATE TO NSC MEMO
___ STATE TO

✓ DIRECT REPLY

___ REPLY FOR SIGNATURE BY _____

___ with Draft reply for signature by _____
___ with Comment or Recommendation

✓ provide info copy under cover of State-NSC transmittal form
___ provide comeback copy for _____

___ RECOMMENDATION FOR _____
___ with Memorandum for the President

___ APPROPRIATE HANDLING

___ FOR YOUR INFORMATION

DUE IN S/S BY: 12/19/77
CLEAR WITH:

REMARKS/SPECIAL INSTRUCTIONS:

___ S	___ UNA	___ A	✓ SCA	
___ D	___ S/AB	___ CU	___ AF	
___ P	___ S/AR	___ EB	___ ARA	
___ E	___ S/MS	___ H	___ EA	
___ T	___ S/P	___ IGA	___ EUR	
___ M	___ S/PRS	___ INR	___ NEA	
___ C	___ S/CPR	___ IO	___ ACDA	
___ S/S	___ S/IG	✓ L	___ AID	
___ S/S-O	___ S/IL	___ OES		
___ S/S-EX	___ S/NM	___ PA		
✓ S/S-S 33	___ D/HA	___ PM		
___ TEAM A	___ D/IWY			
___ TEAM B	___ D/LOS			
✓ TEAM C	___ M/CT			
___ TEAM D	___ M/DG			
✓ S/S-I (RF)	___ M/EEO			
	___ M/MO			

FROM: _____ (NAME)

S/S-S: A 21522 B 28338 C 28348 D 28062

DEPARTMENT OF STATE
BUREAU OF SECURITY
AND CONSULAR AFFAIRS
ACTION SLIP

P780032-1728 **ACTION**

TO: SCS - Mr. Gise **DATE:** 12/14/77

FROM: CA - Miss Watson

SUBJECT: Ltr to The President from Joseph Freitos, District Attorney of San Francisco requesting assistance in enforcement of court order against Rev. Jim Jones of Guyana.

S/S - 7731054

14 DEC 1977

ACTION

XX	For Direct Reply
XX	~~Comment~~ INFO Copy Required Under Cover of State-NSC transmittal form
	Prepare Reply for Signature by _____
	Clear With _____
	Prepare a _____ to _____
XX	Due in SCA by December 19,1977
	For your Information

REMARKS: